

MINUTES OF SPECIAL MEETING
CASS COUNTY JOINT WATER RESOURCE DISTRICT
GOVERNORS' CONFERENCE CENTER
CASSELTON, NORTH DAKOTA
JUNE 23, 2014

The Cass County Joint Water Resource District met on Monday, June 23, 2014, at 9:00 a.m. at the Governors' Conference Center, Casselton, North Dakota.

Present were Mark Brodshaug, Southeast Cass Water Resource District; Rodger Olson, Maple River Water Resource District; Michael R. Buringrud, North Cass Water Resource District; Raymond Wolfer and William A. Hejl, Rush River Water Resource District; Carol Harbeke Lewis, Secretary-Treasurer; Brittany C. Moen, Administrative Assistant; Chad Engels and Mike Opat, Engineers for the Board; Pat Downs, Red River Retention Authority; Ken Pawluk, Cass County Commissioner; and those whose names appear on the attached roster. Manager Dan Jacobson, Southeast Cass Water Resource District, was absent.

Manager Olson called the meeting to order and introductions were made.

Buffalo Creek, Swan Creek and Rush River Watershed Flood Risk Reduction

Pat Downs explained the purpose of the meeting was to continue discussions with landowners regarding flood risk reduction in the Buffalo Creek, Swan Creek and Rush River Watersheds, which have all experienced repetitive flooding. Mr. Downs displayed numerous pictures showing the effects overland flooding has had on transportation in rural areas, making roads impassable at times, washing out roads and bridges, stranding homeowners and delaying planting in the fields. This is the second meeting the Cass County Joint Water Resource District has held with area landowners concerning these issues, and comments received from the first meeting will be reviewed.

Mr. Downs discussed the cost of flooding to a community. He said the Cass County Highway Department spends millions of dollars to maintain roads and bridges after flood events. In addition, there are millions of dollars of damage to farmland due to flooding. He said, as stated at the first meeting, that projects to alleviate the effects of rural flooding are more affordable than ever due to new funding sources from the new North Dakota State Water Commission cost-share policy, the new Federal Farm Bill, increased Red River Joint Water Resource District cost-share and Cass County flood sales tax dollars.

Mr. Downs said the Board would like to stress that any future flood risk reduction project should be built for the purpose of reducing flooding in the local watershed. Projects

should be constructed for the primary purpose of benefitting local agriculture and the local rural community within the local watershed. He added that project should also seek to benefit population centers such as Casselton, Amenia, etc. The Board stressed that projects should not be constructed for the primary purpose of benefitting Red River communities, although these areas would benefit secondarily. Local benefits must outweigh local costs.

Mr. Downs reviewed how each potential cost-share partner could help fund a potential project, and discussed how the newly approved Federal Farm Bill can help area landowners in their fight against flooding. He added that without federal funding, local cost for a project could be less than 10% of the total project cost, and even less with federal funding.

Chad Engels reviewed three different types of water detention projects: on-channel, off-channel and the use of existing water bodies. Mr. Engels said off-channel sites would be the most effective in the watershed, and explained what criteria potential sites would need to meet to be effective. Project goals were also reviewed, which include the ability to continue agricultural use of the majority of the project interior.

Mr. Engels discussed a potential schedule if landowners in the area are interested in selecting a site for a potential detention project. He explained the public outreach process the Board would go through for a project, using the example of the recently approved Upper Maple River Dam (UMRD), which was developed through landowner input over the past 6 years. He then reviewed how the voting process and assessments work for a project such as the UMRD.

Future project criteria and goals were discussed. Mr. Engels gave examples of potential project site identification criteria, saying a project should control a minimum of 20 square miles and store a minimum of 3 inches of runoff, if possible. He added it is crucial to try to avoid impacts to residential structures and infrastructure.

Mr. Engels gave examples of some goals for a potential project, saying the Board would like to compensate landowners fairly, and see that the majority of the project interior can continue to be farmed. He added that a project would be utilized entirely for spring runoff, with only a portion of the project utilized for frequent summer flood reduction benefits.

Mr. Engels reviewed questions and comments received by landowners from the first Flood Risk Reduction meeting held April 8, 2014. He displayed maps of the three watersheds, and broke down how many comments were received from landowners in each watershed. He then showed maps of each watershed which depicted the density of landowner comments per section, as well as circled general areas that landowners suggested would be good areas for a potential project.

In response to a question regarding the land acquisition process, Mr. Engels explained with other projects, such as the UMRD, the Board is purchasing land in fee simple

where the project embankment is located and easements will be used for the pool area. He also reminded those present that landowners affected by a project will be able to vote on the project. The Board prioritizes forming a partnership with landowners from the very beginning of projects. He then explained that permanent easements may also be used in a one-time lump sum payment based on an appraisal for the easement.

Mr. Engels reviewed the development timeline for a project and said the Board is in the most preliminary phase by solicitation of comments from landowners. He said the Board would like to be able to identify at least one potential project in each watershed by communicating with impacted landowners and assessing project acceptability. He explained these projects would then undergo alternatives analysis, geotechnical soils investigations, preliminary design and cost-estimates and benefit determinations before the Board would begin to look to acquire property within or near the project areas.

Someone asked what the Maple River Dam's final cost was in relation to the original cost-estimate. Mr. Engels explained that the cost of right-of-way required for the project cost less than the original estimate, but the project cost increased, due to a longer construction process than anticipated.

The question was asked if the Board is most interested in an off-channel or on-channel project. Mr. Engels said both options can work together, and that the Board has not identified or eliminated any options.

Mr. Engels was asked how a potential project would affect wildlife in the area. He explained that once identified, projects must go through extensive permitting processes to meet the criteria of many state and federal agencies, including the United States Fish and Wildlife Service and North Dakota Game and Fish.

There was a question about the lack of maintenance on the Garsteig Dam and if the Board will have maintenance plans in place for new projects. Mr. Engels agreed that the Garsteig Dam needs maintenance, and said in the past, the Maple River Water Resource District has not had the funds available to make necessary repairs or improvements. He said they are currently working on putting a maintenance district in place to maintain that dam, as well as the Embden Dam.

The Mayor of Amenia was present and expressed concern over the potential of a project upstream of the Rush River. She informed the Board that a petition was recently signed by residents opposed to upstream projects, and is unaware of any complaints from residents regarding flooding issues. Mr. Engels said Moore Engineering, Inc. receives several calls annually from residents of Amenia, requesting that something be done about flooding within the city limits. Mr. Engels will meet with the City of Amenia in the future regarding the matter.

Manager Olson reminded those present that there is no project being proposed currently, and this meeting is so the Board can gain additional insight as to what landowners in the area believe are problem areas.

Someone raised the point that property upstream from a project would not be benefitted. Mr. Engels said that when a project is operating and needs to back water up onto a landowner's land, that landowner would be compensated.

Someone asked if landowners should be able to vote before a site is proposed for a project. Mr. Engels said that project specifics, including location, functionality and cost must be identified before a vote can take place, as per North Dakota State Law.

Mr. Engels was asked if existing dams in Cass County can be cleaned to allow for more storage. Mr. Engels said that cleaning the dams could affect a small event, but would not provide significant additional storage. He explained that the existing dams would need to be reconstructed as significantly higher structures to make any impact, and that impacts to area residences and surrounding infrastructure would need to be addressed.

Adjournment

There being no further business to be considered by the Board, the meeting adjourned without objection.

APPROVED:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer